

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO

SINGLETON CORPORATION,

Plaintiff,

v.

PARTNERSHIP, LLC,

Defendant.

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CASE NO. 1:23-cv-01832

ORDER

JAMES S. GWIN, UNITED STATES DISTRICT COURT JUDGE:

In this interstate shipping dispute, Plaintiff Singleton Corporation contracted Defendant Partnership, LLC to ship goods from Ohio to Texas.¹ Singleton alleges that Partnership damaged those goods in transit.²

Plaintiff Singleton originally filed suit in state court. Defendant Partnership removed this case to federal court, arguing that this Court has subject matter jurisdiction under 28 U.S.C. § 1337(a).³

Although no party has asked the Court remand this case to state court, the Court has “an independent obligation to determine whether subject-matter jurisdiction exists, even when no party challenges it.”⁴

Neither party suggests that the Court has diversity jurisdiction. Nor could they because both parties are Ohio companies.⁵

¹ Doc. 1-1 at ¶ 5.
² *Id.* at ¶¶ 7–8.³ Doc. 1 at ¶ 4.⁴ *Hertz Corp. v. Friend*, 559 U.S. 77, 94 (2010).⁵ Doc. 1-1 at ¶¶ 1, 3.

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Instead, Defendant Partnership relies on 28 U.S.C. § 1337(a), a type of federal question jurisdiction. However, the complaint makes only state claims: breach of contract and negligence.⁶ Although Partnership raises federal preemption defenses under the Federal Aviation Authorization Administration Act of 1994 (FAAAA) and under the Carmack Amendment,⁷ a federal preemption defense to a state claim normally does not create federal question jurisdiction.⁸

An exception to this general rule occurs when there is “complete preemption.”⁹ It is not clear whether the FAAAA or Carmack Amendment completely preempt Plaintiff Singleton’s state claims in this case.

Therefore, the Court **ORDERS** the parties to provide the following briefing:

- By **December 11, 2023**, each party shall file an opening brief addressing whether this Court has subject matter jurisdiction, including whether the FAAAA or Carmack Amendment completely preempt Singleton’s state claims.
- By **December 22, 2023**, each party shall file a responsive brief addressing the same issues.

IT IS SO ORDERED.

Dated: November 30, 2023

s/ James S. Gwin

JAMES S. GWIN
UNITED STATES DISTRICT JUDGE

⁶ See Doc. 1-1.

⁷ Doc. 5-3.

⁸ *Strong v. Telectronics Pacing Sys., Inc.*, 78 F.3d 256, 259 (6th Cir. 1996) (quoting *Metropolitan Life Ins. Co. v. Taylor*, 481 U.S. 58, 63 (1987)).

⁹ *Id.* (citing *Caterpillar Inc. v. Williams*, 482 U.S. 386, 393 (1987)).